

ACTION  
OLL 85-2726

**Office of Legislative Liaison**  
**Routing Slip**

TO:	ACTION	INFO
1. D/OLL		
2. DD/OLL		X
3. Admin Officer		X
4. Liaison		
5. Legislation		
6.	X	
7. <input type="text"/>		X
8. <input type="text"/>		X
9.		
10.		

SUSPENSE

Sent Date 18/35

Action Officer:

Remarks:

~~CJ / Sent 17, 1985~~  
Name/Date



**EXECUTIVE OFFICE OF THE PRESIDENT**

**OFFICE OF MANAGEMENT AND BUDGET**

WASHINGTON, D.C. 20503

September 17, 1985

**LEGISLATIVE REFERRAL MEMORANDUM**

LEGISLATIVE REFERENCE
85-2726

**TO:** Department of Defense - Werner Windus (697-1305)  
Department of Energy - Bob Rabben (252-6718)  
National Aeronautics and Space Administration - Toby Costanzo (453-1080)  
Department of Transportation - John Collins (426-4687)  
✓ Central Intelligence Agency  
National Security Council  
Department of Labor - Seth Zirman (523-8201)  
Department of Commerce - Michael Levitt (377-3151)  
Department of the Treasury - Art Schissel (566-8523)  
Office of Personnel Management - Bob Moffit (632-6516)

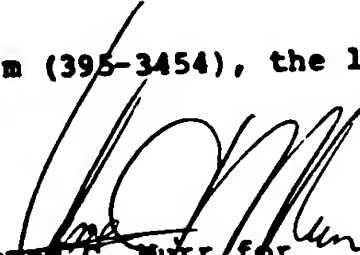
**SUBJECT:** Draft DOJ report on H.R. 1524, the "Polygraph Protection Act of 1985"

The Office of Management and Budget requests the views of your agency on the above subject before advising on its relationship to the program of the President, in accordance with OMB Circular A-19.

Please provide us with your views no later than 4:00 P.M. TODAY  
SEPTEMBER 17, 1985.

(Note: The Employment Opportunities Subcommittee of the House Education and Labor Committee has scheduled a mark-up of H.R. 1524 for tomorrow.)

Direct your questions to Branden Blum (395-3454), the legislative attorney in this office.

  
James C. Myrr for  
Assistant Director for  
Legislative Reference

**Enclosure**

cc: F. Fielding  
J. Cooney

P. Szervo  
K. Wilson

A. Donahue  
T. Stanners

K. Schwartz  
H. Schreiber

**Page Denied**

99TH CONGRESS  
1ST SESSION

# H. R. 1524

To prevent the denial of employment opportunities by prohibiting the use of lie detectors by employers involved in or affecting interstate commerce.

---

## IN THE HOUSE OF REPRESENTATIVES

MARCH 7, 1985

Mr. WILLIAMS (for himself, Mr. MARTINEZ, Mr. FORD of Michigan, Mr. KEMP, Mr. MCKINNEY, Mr. HAYES, Mr. OWENS, Mr. DYMALLY, Mr. BOUCHER, Mr. MURPHY, Mr. TAUKE, Mr. LOWRY of Washington, Mr. COURTER, and Mr. EDWARDS of California) introduced the following bill; which was referred to the Committee on Education and Labor

---

## A BILL

To prevent the denial of employment opportunities by prohibiting the use of lie detectors by employers involved in or affecting interstate commerce.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 SECTION 1. SHORT TITLE.

4 This Act may be cited as the "Polygraph Protection Act  
5 of 1985".

1 **SEC. 2. PURPOSE.**

2 It is the purpose of this Act to prevent the denial of  
3 employment opportunities based on the use of instrumenta-  
4 tion designed to detect deception or verify truth of statement.  
5 This Act shall be construed to prohibit the use of all such  
6 instrumentation on employees, agents, prospective employees  
7 and prospective agents.

8 **SEC. 3. PROHIBITIONS ON LIE DETECTOR USE.**

9 No employer or other person engaged in any business in  
10 or affecting interstate commerce, nor any agent or represent-  
11 ative thereof, shall—

12 (1) directly or indirectly require, request, suggest,  
13 permit or cause any employee, agent, prospective em-  
14 ployee or prospective agent to take or submit to any  
15 lie detector test or examination for any purpose what-  
16 soever;

17 (2) use, accept, or refer to the results of any lie  
18 detector test or examination of any employee, agent,  
19 prospective employee or prospective agent for any pur-  
20 pose whatsoever; or

21 (3) discharge, dismiss, discipline in any manner, or  
22 deny employment or promotion, or threaten to do so,  
23 to any employee, agent, prospective employee or pro-  
24 spective agent who refuses, declines, or fails to take or  
25 submit to any lie detector test or examination.

**1 SEC. 4. NOTICE OF PROTECTION.**

**2 The Secretary of Labor shall prepare and have printed a**  
**3 notice setting forth information necessary to effectuate the**  
**4 purposes of this Act. This notice shall be posted at all times**  
**5 in conspicuous places upon the premises of every employer**  
**6 engaged in any business in or affecting interstate commerce.**

**7 SEC. 5. RULES AND REGULATIONS.**

**8 In accordance with the provisions of subchapter II of**  
**9 chapter 5 of title 5, United States Code, the Secretary of**  
**10 Labor shall issue such rules and regulations as may be neces-**  
**11 sary or appropriate for carrying out this Act.**

**12 SEC. 6. AUTHORITY OF THE SECRETARY OF LABOR.**

**13 The Secretary of Labor shall—**

**14 (1) make such delegations, appoint such agents**  
**15 and employees, and pay for such technical assistance**  
**16 on a fee for service basis, as he deems necessary to**  
**17 assist him in the performance of his functions under**  
**18 this Act;**

**19 (2) cooperate with regional, State, local, and other**  
**20 agencies, and cooperate with and furnish technical as-**  
**21 sistance to employers, labor organizations, and employ-**  
**22 ment agencies to aid in effectuating the purposes of**  
**23 this Act; and**

**24 (3) make investigations and require the keeping of**  
**25 records necessary or appropriate for the administration**  
**26 of this Act in accordance with the powers and proce-**

1       dures provided in sections 9 and 11 of the Fair Labor  
2       Standards Act of 1938 (29 U.S.C. 209 and 211).

3   **SEC. 7. ENFORCEMENT PROVISIONS.**

4       The provisions of this Act shall be enforced in accord-  
5   ance with the powers, remedies, and procedures provided in  
6   sections 11(b), 16, and 17 of the Fair Labor Standards Act of  
7   1938 (29 U.S.C. 211(b), 216, 217). Amounts owing to a  
8   person as a result of a violation of this Act shall be deemed to  
9   be unpaid minimum wages or unpaid overtime compensation  
10  for purposes of sections 16 and 17 of the Fair Labor Stand-  
11  ards Act of 1938 (29 U.S.C. 216, 217).

12   **SEC. 8. NO APPLICATION TO GOVERNMENTAL EMPLOYEES.**

13       The provisions of this Act shall not apply with respect  
14  to any individual who is employed by the United States Gov-  
15  ernment, a State government, city, or any political subdivi-  
16  sion of a State or city.

17   **SEC. 9. DEFINITIONS.**

18       As used in this Act—

19           (1) The term "person" means any natural person,  
20       firm, association, partnership, corporation, or any em-  
21       ployee or agent thereof.

22           (2) The term "lie detector" includes but is not  
23       limited to any polygraph, deceptograph, voice stress  
24       analyzer, psychological stress evaluator, or any other  
25       device (whether mechanical, electrical, or chemical)

5

1       which is used, or the results of which are used, for the  
2       purpose of detecting deception or verifying the truth of  
3       statements.

4               (3) The term "employer" includes an employment  
5       agency.

6       **SEC. 10. EFFECTIVE DATE.**

7       The provisions of this Act shall take effect on the date  
8       of enactment, except for section 4, which shall take effect six  
9       months from the date of enactment.

○

● ■ 1524 ■